

MRD 7/26/06

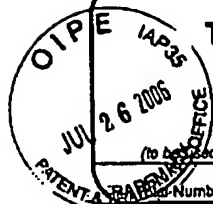
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------------------|------------------|
| Application Number | 10/678,720 |
| Filing Date | October 3, 2003 |
| First Named Inventor | Robert C. Lam |
| Art Unit | 1771/Conf. #8118 |
| Examiner Name | Arden B. Sperty |
| Attorney Docket Number | 01168/BW00076 |
| Number of Pages in This Submission | |

ENCLOSURES (Check all that apply)

| | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Copy of Office Action mailed 7/19/06 |
| Remarks _____ | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Emch, Schaffer, Schaub & Porcello Co., L.P.A. | | |
| Signature | <i>Patrick P. Pacella</i> | | |
| Printed name | Patrick P. Pacella | | |
| Date | July 26, 2006 | Reg. No. | 25,463 |

CERTIFICATE OF TRANSMISSION/MAILING

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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Signature | <i>Kathy A. Burgess</i> | | |
| Typed or printed name | Kathy A. Burgess | Date | 7/26/06 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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01168/BW00076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Robert C. Lam

Serial No: 10/678,720

Filed: October 3, 2003

For: FRICTION MATERIAL CONTAINING PARTIALLY
CARBONIZED CARBON FIBERS

Exr. Arden B. Sperty

Art Unit: 1771

Confirmation No.: 6119

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

July 26, 2006

PETITION

Sir:

In response to the Office Communication mailed July 19, 2006, attached, Applicant is requesting a refund for the Request for Continued Examination fee in the amount of \$790.00 in the above captioned matter. Please credit the refund to our deposit account in the name of Owen & Owen, number: 15-0825.

Respectfully submitted,

EMCH, SCHAFFER, SCHAUB
& PORCELLO CO., L.P.A.

Patrick P. Pacella
Reg. No. 25,463

P.O. Box 916
Toledo, Ohio 43697
Ph: (419) 243-1294
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UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

| | | | |
|--------------------------------|-------------|---|---------------------|
| APPLICATION NO/ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|--------------------------------|-------------|---|---------------------|

10/678720

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| EXAMINER |
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| ART UNIT | PAPER |
|----------|-------|

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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

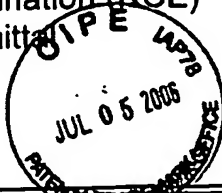
In view of the fact that prosecution in the referenced application is not closed (prosecution was reopened after final), the Request for Continued Examination is improper. A non-final Office action crossed in the mail with applicants RCE. Applicant may wish to file a request for refund for the RCE fee.

Terrel Morris
Supervisory Patent Examiner
Group Art Unit 1771

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



| | |
|------------------------|------------------|
| Application Number | 10/678,720 |
| Filing Date | October 3, 2003 |
| First Named Inventor | Robert C. Lam |
| Art Unit | 1771/Conf. #6119 |
| Examiner Name | Arden B. Sperty |
| Attorney Docket Number | 01168/BW00076 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

 - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/ Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**

 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(h) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

 - ☒ Deposit Account No. 15-0825. I have enclosed a duplicate copy of this sheet.
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☒ Check in the amount of \$ 790.00 enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------------|------------------|--------------|
| Signature | <i>Patrick P. Pacella</i> | Date | July 6, 2006 |
| Name (Print/Type) | Patrick P. Pacella | Registration No. | 25,463 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|-------------------------|------|--------|
| Signature | <i>Kathy A. Burgess</i> | Date | 7/5/06 |
| Name (Print/Type) | Kathy A. Burgess | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Adjustment date: 10/11/2006 ZJUHA1
07/10/2006 TBESHA1 00000012 10678720
01 FC:1801 -790.00 OP

Repln. Ref: 10/11/2006 ZJUHA1 0012182400
DAH:150825 Name/Number:10678720 \$790.00 CR
FC: 9204